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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,960	03/23/2004	Amir Shahindoust	66329/31278	2354

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EXAMINER
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KISS, ERIC B

ART UNIT	PAPER NUMBER
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2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,960	<b>Applicant(s)</b> SHAHINDOUST ET AL.	
	<b>Examiner</b> Eric B. Kiss	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040323</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-32 have been examined.

#### ***Drawings***

2. The drawings are objected to because Figure 1 fails to comply with 37 CFR 1.84(m) (the shading reduces legibility). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Applicant is advised that should claims 11, 12, and 16-19 be found allowable, claims 27-32 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the

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same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is insufficient antecedent basis for the following limitations in the claims:

Claim 12: "The method . . . of claim 1" in lines 1-2;

Claim 15: "The method . . . of claim 10" in lines 1-2;

Claim 16: "The method . . . of claim 10" in lines 1-2;

Claim 17: "The method . . . of claim 1" in lines 1-2;

Claim 19: "The method . . . of claim 10" in lines 1-2; and

Claim 20: "The method . . . of claim 10" in lines 1-2.

In the interest of compact prosecution, claims 12, 15-17, 19, and 20 are subsequently interpreted as being dependent from method claim 11, which would provide the necessary antecedent basis for each claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,151,643 (Cheng et al.).

Regarding claim 1, *Cheng et al.* discloses: a system for remotely securing software updates of computer systems comprising:

a server adapted to receive software updates from a plurality of sources (see, e.g., col. 18, lines 16-37);

means adapted to receive installation scripts, each of which is associated with at least one software update disposed on the server (see, e.g., col. 18, lines 34-35);

a secured user data storage adapted to store data representative of a plurality of end users (see, e.g., col. 17, lines 4-6);

authentication means adapted for receiving a login request from at least one remote data processing device including means adapted for comparing the received login request with the secured user data (see, e.g., col. 7, lines 12-19 and 40-45);

means adapted for selectively placing the server in data communication with at least one remote data processing device in accordance with a determination of the authentication means (see, e.g., Fig. 2); and

means adapted for selectively transmitting software updates from the server, along with an associated installation script, in accordance with a received login request (see, e.g., Fig. 2).

Regarding claim 2, *Cheng et al.* further discloses means adapted for periodically establishing a communication link between the server and the at least one remote data processing device to provide for regular communication of software updates therebetween (see, e.g., col. 3, lines 25-39).

Regarding claim 3, *Cheng et al.* further discloses the means adapted for periodically establishing a communication link is associated with the server (see, e.g., col. 3, lines 25-39).

Regarding claim 4, *Cheng et al.* further discloses the means adapted for periodically establishing a communication link is associated with the at least one remote data processing device (see, e.g., col. 3, lines 25-39).

Regarding claim 5, *Cheng et al.* further discloses means adapted to select the parameters for transmitting the software updates from the server (see, e.g., see, e.g., col. 18, lines 16-37).

Regarding claim 6, *Cheng et al.* further discloses the means adapted for selectively transmitting the software updates from the server transmits the software updates upon receipt of a software update from at least one of the plurality of sources (see, e.g., col. 19, lines 50-60).

Regarding claim 7, *Cheng et al.* further discloses means adapted for transmitting a notification signal to an associated administrator upon receipt of a software update from at least one of the plurality of sources (see, e.g., col. 19, lines 50-60).

Regarding claim 8, *Cheng et al.* further discloses means adapted for selectively generating a software update transmission signal upon receipt of the notification signal in order to transmit the software update from the server (see, e.g., col. 19, lines 50-60).

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Regarding claim 9, *Cheng et al.* further discloses testing means adapted for analyzing the received software updates to determine if the software updates are in compliance with selected criteria (see, e.g., col. 19, line 50, through col. 20, line 18).

Regarding claim 10, *Cheng et al.* further discloses a software update storage log means adapted to store selected information relating to received software updates (see, e.g., col. 20, line 60, through col. 61, line 44).

Regarding claims 11-32, these are method and computer-readable media versions of the claimed systems discussed above. *Cheng et al.* further discloses the use of such media (see, e.g., Figs. 7 and 9), and all other limitations have been addressed as set forth above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

A handwritten signature in black ink, appearing to read "Eric B. Kiss".

Eric B. Kiss  
April 13, 2007